

### **REMARKS**

Applicants respectfully requests reconsideration of this application as amended. Claims 1-27 remain in the application. No claims have been canceled. Claims 1, 4-7, 9-12, 14-17, 20-23 and 25-27 have been amended to more properly clarify preexisting claim limitations and are supported by the specification.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 3, 4, 7, 9, 12, 14, 17, 19, 20, 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz ("Herz") in view of U.S. Patent No. 5,740,549 of Reilly ("Reilly"). Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 1, 7, 12, 17, and 23.

Reilly discloses an information and advertising distribution system with workstations remotely located from the information server. The workstations include a profiler for storing subscriber profile data. The subscriber profile data represents subscriber information viewing preference, indicating information categories for which a subscriber associated with the workstation does and does not want to view information items.

The office action mailed June 7, 2004, at page 3, states that Herz teaches the claimed limitation of "notifying a user of the sets of user profiles upon applying an update to the common interest of a set of user profiles, as identifying new or updated target objects that are relevant to the user, as determined by the user's search profile set."

The update notification mechanism disclosed in Herz is used to inform the user of updates to the target object that are of interest to the user. Herz does not disclose or

suggest that any user can apply updates to the target object. Therefore, Herz does not disclose or suggest notifying each user when any user applies an update to the common interest of a user profile, as amended in claims 1, 7, 12, 17 and 23. For example, application of the claimed invention may allow a user to be notified when the user profile of any other user is updated to view a specific television program, of common interest, at a specific time. Reilly also fails to disclose or suggest that each user is notified of an update to the common interest of any other user profile as claimed, and hence fails to cure the deficiency in Herz.

Furthermore, Applicants respectfully submits the combination does not disclose or suggest the limitation of a multi-user broadcasting system, as claimed in claims 1, 7, 12, 17, and 23. Rather, the use of the profiles disclosed in the combination is used within the context of viewing information, such as news articles, on the Internet by both Herz and Reilly. This is not the same as a multi-user broadcasting system as defined in the specification in context of, for example, cable, satellite, or other types of television broadcasting.

Accordingly, Applicants respectfully submit that the combination of Herz and Reilly do not disclose or suggest each and every element as claimed in claims 1, 7, 12, 17, and 23. Claims 3, 4, 9, 14, 19, 20 and 25 are dependent on one of the claims 1, 7, 12, 17, and 23; and are patentable, at least, for one of the reasons stated above. Therefore, Applicants respectfully request the rejection to claims 1, 3, 4, 7, 9, 12, 14, 17, 19, 20, 23 and 25 under 35 USC §103(a) be withdrawn.

Claims 5, 10, 21 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz ("Herz") in view of U.S. Patent No.

5,740,549 of Reilly (“Reilly”) and further in view of U.S. Patent No. 6,427,164 of Reilly (“Reilly164”). Applicants do not admit that Reilly164 is prior art and reserve the right to swear behind the reference at a later date.

Reilly164 discloses a system and method for automatically determining if the recipient of electronic mail that is unknown at the receiving server has left a "forwarding address" with another server, thereby allowing either the receiving server, the sending server, or the sending user, or any other party to the communication, to automatically send the electronic mail content to the (new) correct address.

As articulated above, claims 1, 7, 17, and 23 are patentable over Herz and Reilly. Reilly164 fails to cure the underlying deficiency of Herz and Reilly because Reilly164 also fails to disclose or suggest, “notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claims 5, 10, 21, and 26 are dependent on one of the claims 1, 7, 17, and 23, and are patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 5, 10, 21 and 26. Therefore, Applicants respectfully request the rejection to claims 5, 10, 21 and 26 under 35 USC §103(a) be withdrawn.

Claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz (“Herz”) in view of U.S. Patent No. 5,740,549 of Reilly (“Reilly”) and further in view of U.S. Patent No. 6,269,369 of Robertson (“Robertson”).

As articulated above, claims 1, 7, 17, and 23 are patentable over Herz and Reilly. Robertson fails to cure the underlying deficiency of Herz and Reilly because Robertson also fails to disclose or suggest, “notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 are dependent on one of the claims 1, 7, 17, and 23, and are patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27. Therefore, Applicants respectfully request the rejection to claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 under 35 USC §103(a) be withdrawn.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz (“Herz”) in view of U.S. Patent No. 5,740,549 of Reilly (“Reilly”) and further in view of U.S. Published Application No. 2002/0023230 of Bolnick et al. (“Bolnick”). Applicants do not admit that Bolnick is prior art and reserve the right to swear behind the reference at a later date.

Nonetheless, as articulated above, claim 7 is patentable over Herz and Reilly. Bolnick fails to cure the underlying deficiency of Herz and Reilly because Bolnick also fails to disclose or suggest, “notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claim 15 is dependent on claim 7, and is patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claim 15.

Therefore, Applicants respectfully request the rejection to claim 15 under 35 USC §103(a) be withdrawn.

Claims 1, 3, 4, 7, 9, 12, 14, 17, 19, 20, 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz ("Herz") in view of U.S. Patent No. 6,157,924 of Austin ("Austin"). Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 1, 7, 12, 17, and 23.

Austin discloses, in relation to Figure 4D, an "Account Information" user interface 60 that allows a customer to select a delivery medium (i.e., e-mail, Excel.RTM. spreadsheet, Microsoft MS Money.RTM., fax, print) in which to receive statements. For example, if a customer elected to receive statements in an Excel.RTM. spreadsheet format, the statements would appear as illustrated in FIG. 4E.

As articulated above, Herz does not disclose or suggest, "notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles" and "a multi-user broadcasting system." Applicants respectfully submit that Austin also fails to disclose or suggest these claimed limitations.

Accordingly, Applicants respectfully submit that the combination of Herz and Austin do not disclose or suggest each and every element as claimed in claims 1, 7, 12, 17, and 23. Claims 3, 4, 9, 14, 19, 20 and 25 are dependent on one of the claims 1, 7, 12, 17, and 23; and are patentable, at least, for one of the reasons stated above. Therefore, Applicants respectfully request the rejection to claims 1, 3, 4, 7, 9, 12, 14, 17, 19, 20, 23 and 25 under 35 USC §103(a) be withdrawn.

Claims 5, 10, 21 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz (“Herz”) in view of U.S. Patent No. 6,157,924 of Austin (“Austin”) and further in view of U.S. Patent No. 6,427,164 of Reilly (“Reilly164”). Applicants do not admit that Reilly164 is prior art and reserve the right to swear behind the reference at a later date.

As articulated above, claims 1, 7, 17, and 23 are patentable over Herz and Austin. Reilly164 fails to cure the underlying deficiency of Herz and Austin because Reilly164 also fails to disclose or suggest, “notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claims 5, 10, 21 and 26 are dependent on one of the claims 1, 7, 17, and 23, and are patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 5, 10, 21 and 26. Therefore, Applicants respectfully request the rejection to claims 5, 10, 21 and 26 under 35 USC §103(a) be withdrawn.

Claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz (“Herz”) in view of U.S. Patent No. 5,740,549 of Reilly (“Reilly”) and further in view of U.S. Patent No. 6,269,369 of Robertson (“Robertson”).

As articulated above, claims 1, 7, 17, and 23 are patentable over Herz and Reilly (and also Herz and Austin). Robertson fails to cure the underlying deficiency of Herz and Reilly because Robertson also fails to disclose or suggest, “notifying each user of the sets

of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 are dependent on one of the claims 1, 7, 17, and 23, and are patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27. Therefore, Applicants respectfully request the rejection to claims 2, 6, 8, 11, 13, 16, 18, 22, 24 and 27 under 35 USC §103(a) be withdrawn.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,036 of Herz (“Herz”) in view of U.S. Patent No. 6,157,924 of Austin (“Austin”) and further in view of U.S. Published Application No. 2002/0023230 of Bolnick et al. (“Bolnick”). Applicants do not admit that Bolnick is prior art and reserve the right to swear behind the reference at a later date.

As articulated above, claim 15 is patentable over Herz and Austin. Bolnick fails to cure the underlying deficiency of Herz and Austin because Bolnick also fails to disclose or suggest, “notifying each user of the sets of user profiles when any user applies an update to the common interest of a user profile of the sets of user profiles” and “a multi-user broadcasting system.” Claim 15 is dependent on claim 7 and is patentable, at least for the reasons stated above. Accordingly, Applicants respectfully submit that the combination does not disclose or suggest each and every element as claimed in claim 15. Therefore, Applicants respectfully request the rejection to claim 15 under 35 USC §103(a) be withdrawn.

## CONCLUSION


Applicants respectfully submit that the rejections have been overcome by the amendments and remarks, and that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 7, 2004

  
\_\_\_\_\_  
André Gibbs  
Reg. No. 47,593

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300